

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

In re:

Mandy M. Jones

Debtor.

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:
: Case No.: 18-10416
: Chapter 7
: Chief Judge Robert E. Grant
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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF
PROPERTY BECAUSE STATEMENT OF INTENT PROPOSES SURRENDER OF
PROPERTY AND NOTICE OF OBJECTION DEADLINE WITH 30-DAY WAIVER
(FIRST MORTGAGE)**

The creditor, Nationstar Mortgage LLC d/b/a Mr. Cooper, hereby moves the Court, pursuant to 11 U.S.C. § 362(d) and § 554, to lift the automatic stay and abandon from the estate the following real property:

1541 Sabine Street, Huntington, IN 46750, (hereinafter the "Property").

In support of the motion, the Creditor states the following:

1. Mandy M. Jones (hereinafter "Debtor") filed a Chapter 7 case on March 21, 2018, (hereinafter the "Petition Date").
2. As of the Petition Date, the Creditor was the holder of a claim secured by the Property, more particularly described in the Mortgage, a copy of which is attached as Exhibit "A".
3. The above described Mortgage was given to secure a promissory note, (hereinafter the "Note"), dated December 22, 2006 and made payable to the Creditor in the original sum of \$40,000.00. A copy of the Note is attached hereto as Exhibit "B".

4. The Creditor perfected an interest in the Property, more particularly described in the Mortgage, recorded in Huntington County Recordings Office on December 27, 2006.

Evidence of perfection is attached as Exhibit "A".

5. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

6. As of March 23, 2018, the outstanding principal of the Note was \$37,500.49 and the outstanding interest was \$1,575.80. As of March 23, 2018, the approximate payoff of the loan in question, consisting of the outstanding principal, interest, escrow advances and corporate advance is \$42,499.30.

7. The Property is burdensome and/or of inconsequential value and benefit to the estate. Cause exists to lift the automatic stay under 11 U.S.C. § 362(d)(1) and/or 362(d)(2) for these reasons:

- a. Debtor has no equity in the Property. Creditor believes that the Property has a value of \$38,500.00 based on Assessor's value, which is attached hereto as Exhibit "C". The balance on Creditor's first mortgage exceeds the value of the Property. Based upon the lack of equity in the Property, Creditor asserts that the Property is burdensome and/or of inconsequential value and benefit to the estate.
- b. The Creditor is not being adequately protected. Per the Note and Mortgage, payments are applied to the last month due. Based on the foregoing, Debtor has failed to make periodic payments to Creditor since October 1, 2017 through March 23, 2018.
- c. Debtor intends to surrender the Property located at 1541 Sabine Street, Huntington, IN 46750 according to the Statement of Intent filed.

8. The Creditor hereby waives the right under 11 U.S.C. § 362(e) to a hearing on this motion within thirty (30) days of the date it is filed. Creditor, by counsel, further prays that the fourteen (14) day stay of the order imposed by Bankruptcy Rule 4001(a)(3) be waived.

PLEASE TAKE NOTICE THAT any objection must be filed with the Bankruptcy Clerk within 14 days of the date of this notice. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail or in person at:

Fort Wayne
1300 South Harrison Street
Room 1188
Fort Wayne, IN 46802-3435

The objecting party must ensure delivery of the objection to the party filing the motion. If an objection is NOT timely filed, the requested relief and abandonment may be granted.

WHEREFORE, the Creditor moves the Court to enter an order lifting the automatic stay and abandoning the Property, and granting such other relief as appropriate.

Respectfully submitted,

/s/ Sarah E. Barngrover

Sarah E. Barngrover (28840-64)
Edward H. Cahill (0088985)
Adam B. Hall (0088234)
John R. Cummins (11532-10)
Amy E. Gardner (93532)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611; Fax: 614-627-8181
Attorney for Creditor
The case attorney for this file is Sarah E. Barngrover.
Contact email is
searngrover@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from Automatic Stay and Abandonment of Property Because Statement of Intent Proposes Surrender of Property and Notice of Objection Deadline with 30-Day Waiver (First Mortgage) was served on the parties listed below via e-mail notification:

Nancy Gargula, 100 East Wayne Street, 5th Floor, South Bend, IN 46601-2349, 574-236-8105

Martin E. Seifert, 444 East Main Street, Fort Wayne, IN 46802

Jeffrey S Arnold, Attorney for Mandy M. Jones, 209 W. Van Buren Street, Columbia City, IN 46725, jsarnold@jeffarnoldlaw.com

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from Automatic Stay and Abandonment of Property Because Statement of Intent Proposes Surrender of Property and Notice of Objection Deadline with 30-Day Waiver (First Mortgage) was served on all parties listed on the attached creditor matrix via regular U.S. Mail, postage prepaid on April 27, 2018.

/s/ Sarah E. Barngrover

Label Matrix for local noticing
0755-1
Case 18-10416-reg
Northern District of Indiana
Fort Wayne Division
Mon Apr 2 15:31:57 EDT 2018

Jeffrey S. Arnold (CC)
Jeffrey S. Arnold, Attorney at Law
209 W. Van Buren Street
Columbia City, IN 46725-2037

Capital One Bank USA
P.O. Box 30281
Salt Lake City, UT 84130-0281

Chase Receivables
1247 Broadway
Sonoma, CA 95476-7503

Great Lakes Anesthesia, PC
P.O. Box 3055
Indianapolis, IN 46206-3055

Indiana Employment Security Division
10 North Senate Street
Indianapolis, IN 46204-2201

Manley, Deas & Kochalski, LLC
P.O. Box 441039
Indianapolis, IN 46244-1039

OneMain Financial
300 St Paul Place - BSP05C
Baltimore, MD 21202-2120

Professional ER Physicians
3640 New Vision Dr., Ste. A
Fort Wayne, IN 46845-1717

Martin E. Seifert
444 East Main Street
Fort Wayne, IN 46802-1911

Alliance One
1684 Woodlands Drive, Ste. 150
Maumee, OH 43537-4026

Sarah E. Barngrover
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028

Capital One Auto Finance
a division of Capital One, N.A. Dept.
AIS Portfolio Services, LP
Account: XXXXXXXXX9503
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Fort Wayne Radiology
Post Office Box 5602
Fort Wayne, IN 46895-5602

(p)HUNTINGTON COUNTY TREASURER
201 N JEFFERSON ST
ROOM 104
HUNTINGTON IN 46750-2841

Mandy M Jones
1541 Sabine Street
Huntington, IN 46750-2432

Mr. Cooper
PO Box 650783
Dallas, TX 75265-0783

Parkview Huntington Hospital
2001 Stults Rd
Huntington, IN 46750-1291

Professional Recovery
7319 West Jefferson Blvd.
Fort Wayne, IN 46804-6237

Specialized Loan Servicing
8742 Lucent Blvd, Suite 300
Highlands Ranch, CO 80129-2386

(p)AMERICOLLECT INC
PO BOX 2080
MANITOWOC WI 54221-2080

Bowen Center
2860 Northpark Avenue
Huntington, IN 46750-9700

Capital One Auto Finance, a division of Capi
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Nancy J. Gargula
100 East Wayne Street, 5th Floor
South Bend, IN 46601-2349

Indiana Department of Revenue
Bankruptcy Section - MS 108
100 North Senate Avenue, N240
Indianapolis IN 46204-2231

MSCB
P.O. Box 1567
Paris, TN 38242-1567

Nationstar Mortgage
P.O. Box 650783
Dallas, TX 75265-0783

Parkview Physicians Group
3810 New Vision Dr
Fort Wayne, IN 46845-1708

Robert M. Crane
916 Main Street
PO Box 151684
Anderson, IN 46015-1684

Teachers Credit Union
Cardmember Services
PO Box 3331
Omaha, NE 68103-0331

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Americollect
PO Box 1690
Manitowoc, WI 54221-1690

Huntington County Treasurer
Courthouse Square
Huntington IN 46750

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Nationstar Mortgage LLC d/b/a Mr. Cooper	End of Label Matrix	
	Mailable recipients	29
	Bypassed recipients	1
	Total	30